

---

**Subject:** Application for Draft Plan Approval – 11861 and 12045 McCowan Road [File No. 19T(W)-22-004]

**Staff Report No.** DS-038-24

**Commission:** Development Services Commission

**Date:** June 26, 2024

---

**Recommendation:**

- 1) That Council direct Staff to issue a Notice of Decision to approve Subdivision File No. 19T(W)-22.004, subject to the conditions as set out in Attachment 4 to Report No. DS-038-24, in accordance with Section 51(31) of the *Planning Act*.

**1. Purpose:**

The purpose of this Report is to assess the merits of and make a recommendation respecting the application for a Draft Plan of Subdivision for the lands municipally known as 11861 and 12045 McCowan Road (the “Subject Lands”), which if approved would permit the construction of a mixed-use plan of subdivision.

**2. Executive Summary:**

An Application has been submitted by Bousfields Inc. (“Authorized Agent”) on behalf of TORCA I Inc., TORCA II Inc., and 2743903 Ontario Inc. (“TORCA” [“the Applicant”]), formerly Orca Communities Inc. that seeks draft plan approval to facilitate the development of an agriculturally inspired mixed-use plan of subdivision. The application has been reviewed in consideration of Provincial, Regional and Town policies and Staff are of the opinion that the application is consistent with/conforms to those policies.

**3. Background:**

**3.1 Location**

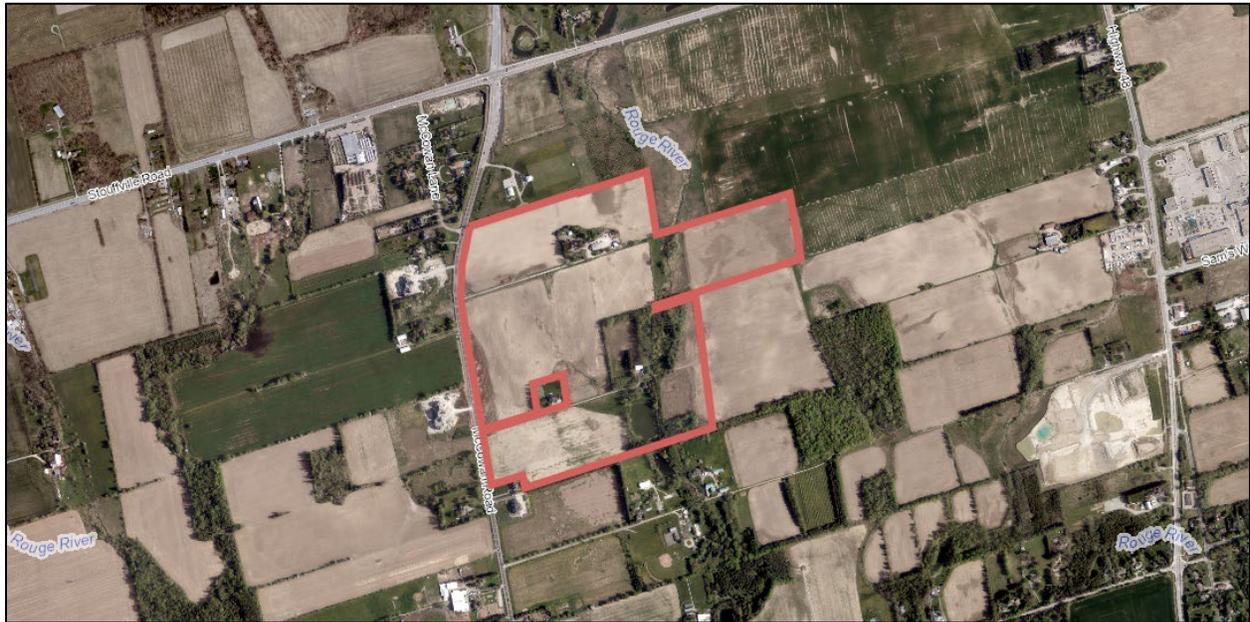
The Subject Lands are municipally known as 11861 and 12045 McCowan Road and are located on the east side of McCowan Road, south of Stouffville Road, and north of the Whitchurch-Stouffville and Markham municipal boundary. The lands are adjacent to the lands approved through Minister’s Zoning Orders O. Reg 172/20, and O. Reg 610/20.

The lands owned by TORCA have a gross area of approximately 58.87 hectares (145.47 acres), with approximately 28.11 hectares (69.46 acres) being located in the Oak Ridges Moraine Conservation Plan or Greenbelt Plan areas.

**Attachment 1** to this report is a copy of the location map.

**Figure 1** displayed below shows the location of the Subject Lands, outlined in red.

**Figure 1 – Location of the Subject Lands**



### 3.2 Surrounding Land Uses

Below is a description of the adjacent land uses:

**North:** Agricultural lands and low-density residential.

**East:** Agricultural lands and a tributary of the Rouge River. Lands subject to O. Reg 610/20 are located on the east side of the tributary.

**South:** Agricultural lands and the Whitchurch-Stouffville / Markham municipal boundary.

**West:** Agricultural lands.

### 3.3 Previous Approvals

#### 3.3.1 Minister's Zoning Order

The Minister of Municipal Affairs and Housing (MMAH) has the power under Section 47 of the *Planning Act, 1990* to issue a Zoning Order to permit development in an area,

particularly if it addresses significant or urgent provincial interests. There is no requirement to give notice or undertake a hearing prior to the Minister's decision.

Once issued, the Minister's Zoning Order prevails in case of a conflict with the local Zoning By-law or Interim Control By-law and is deemed a local Zoning By-law passed by Council except for the purposes of Section 24 of the Planning Act.

Members of the public may request the Minister to amend or revoke in whole or in part of the Zoning Order. Once such a request is received, the Minister may refuse to consider or refer the matter to the Ontario Land Tribunal (OLT) for a hearing. Based on the recommendations from the OLT, the Minister may decide to amend or revoke the Zoning Order.

On November 10, 2021, the Minister issued Zoning Order O. Reg 770/21 for approximately 30.6 hectares of land as identified on **Figure 2** below. Note that the Zoning Order does not apply to the Oak Ridges Moraine blocks located to the north and east (Blocks H1 and H2), or the Greenbelt blocks that are centrally located within the site (Blocks G1 and G2).

As it relates to the proposed draft plan of subdivision, the Zoning Order had the effect of applying the following Zones to the lands:

- Residential New Three and Residential New Four (RN3/RN4) Zones;
- Residential New Three, Residential New Four, and Commercial Residential Mixed – Western Approach (CM2) Zones; and
- Commercial Residential Mixed – Western Approach (CM2) Zone.

**Attachment 2** to this report is a copy of the Minister's Zoning Order O. Reg 770/21.

Figure 2 – Lands Subject to O. Reg 770/21

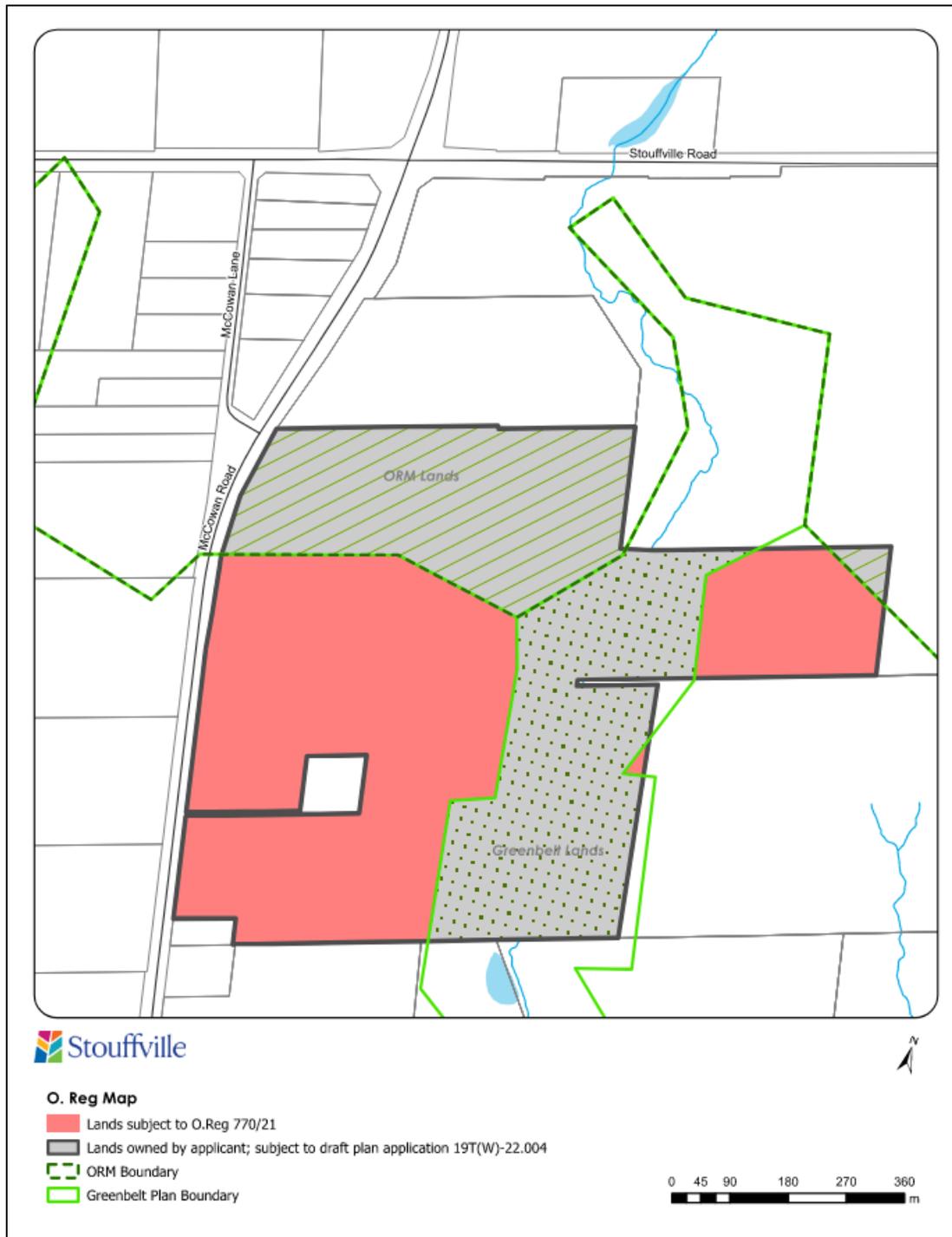
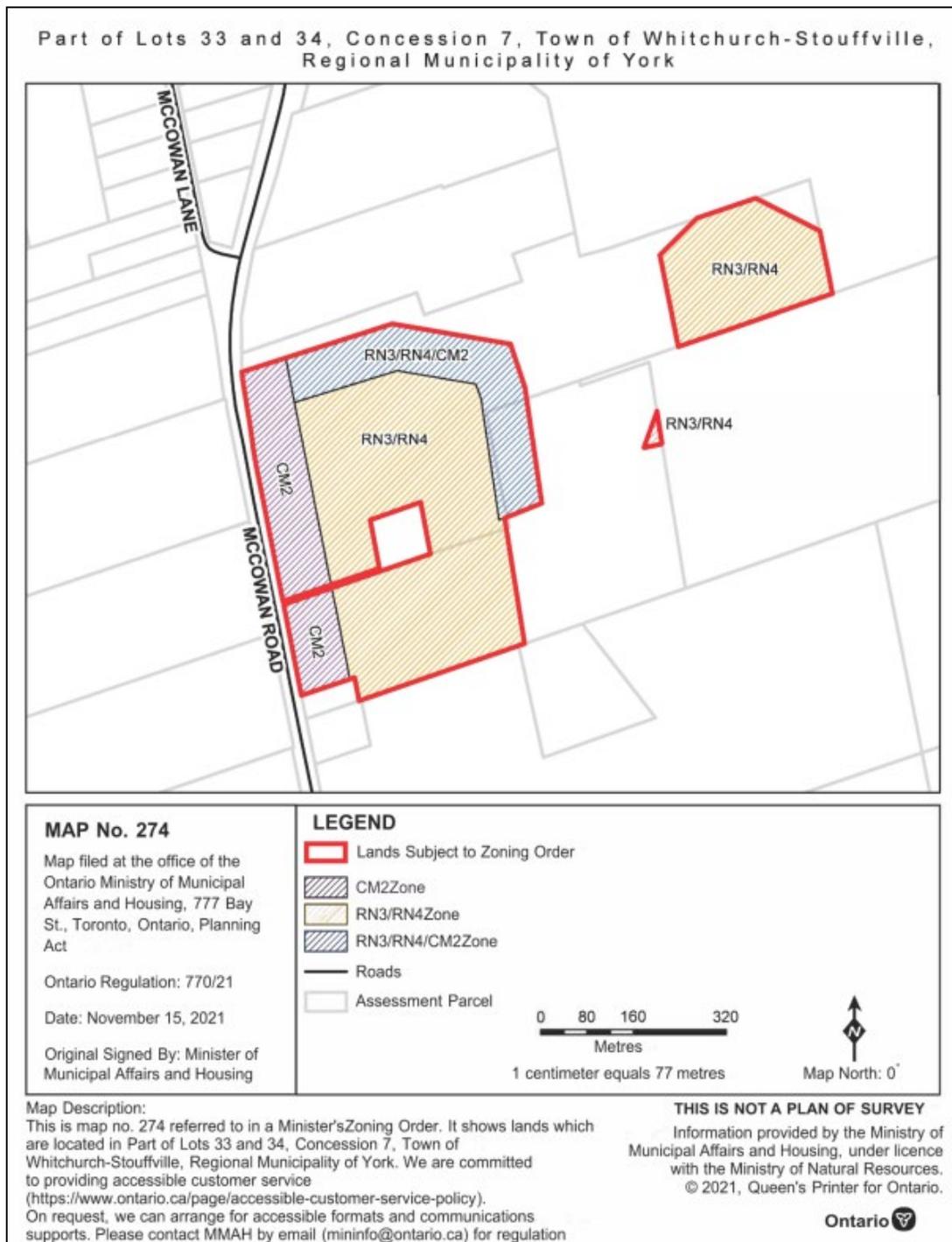


Figure 3 below shows the zoning applied to the Subject Lands as a result of O. Reg 770/21.

**Figure 3 – Zoning Applied to Subject Lands as a Result of O. Reg 770/21**



The Zoning Order prohibits every use, building, or structure from occurring on the Subject Lands, except for the following:

- All uses identified as permitted uses for the RN3 and RN4 Zones set out in Section 5A.1 of the Zoning By-law;

- All uses identified as permitted uses for the CM2 Zone set out in Section 6.1 of the Zoning By-law, except the following:
  - Assembly halls.
  - Automotive sales and services.
  - Automotive service stations.
  - Car wash facilities.
  - Commercial recreation.
  - Conference, convention, or banquet facilities.
  - Drive thru facilities.
  - Funeral homes.
  - Garden supply establishments.
  - Hotels.
  - Manufacturing, assembling, or processing facilities.
  - Schools.
  - Wholesale sales and distribution.
- A stormwater management facility; and
- Flood and erosion control.

Additionally, the Zoning Order provided for exceptions to the Town's Zoning By-law provisions as follows:

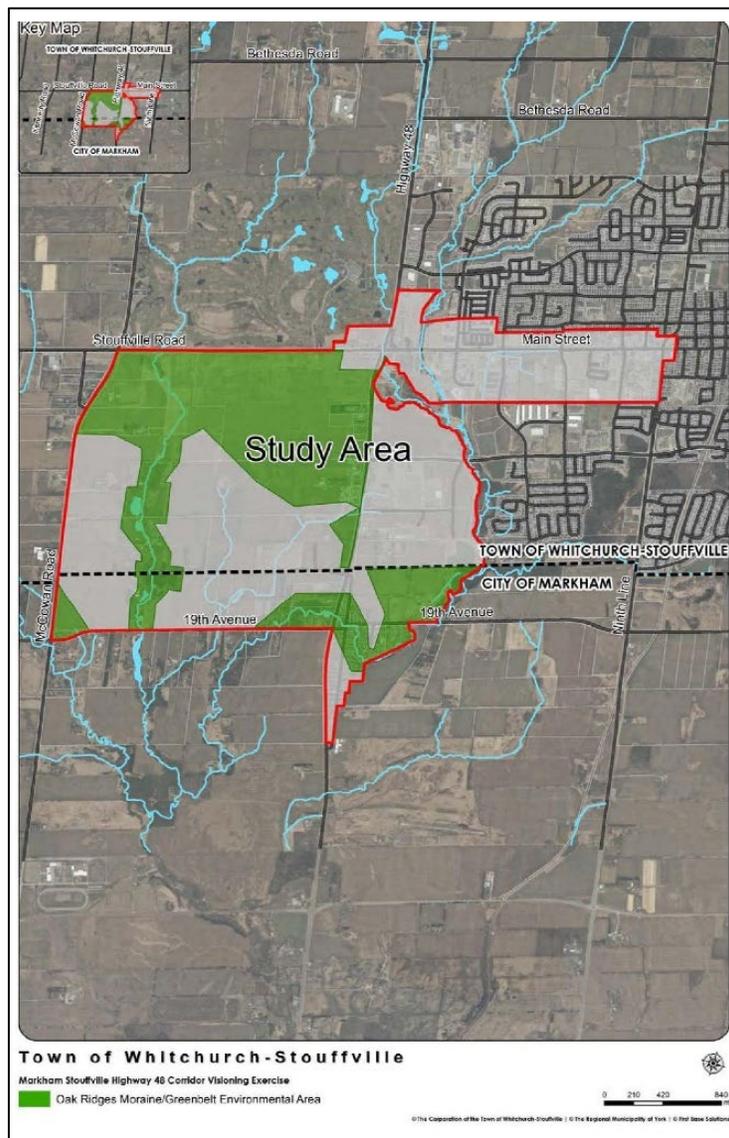
- **RN3/RN4** – the minimum lot frontage for townhouse dwellings is 5.5 metres per dwelling unit;
- **CM2** – the minimum density is 65 units per net hectare, the maximum density is 140 units per net hectare, and the maximum building height is 26.0 metres.

### 3.3.2 Highway 48 Visioning Study

The Highway 48 Visioning Study was jointly undertaken by the Town of Whitchurch-Stouffville and the City of Markham to develop a high-level vision and a land use scenario which will recognize the development potential for the study area. Early in 2021, a revised project scope was approved for the study with a renewed focus to ensure that the layout and design of the different applications in the area are considered comprehensively and within the context of the guiding principles established through the public consultation process. A revised study area was also established, as shown in **Figure 4** below.

The TORCA lands are located within the boundary of the study area.

**Figure 4 – Revised Highway 48 Corridor Study Lands**



**4. Analysis:**

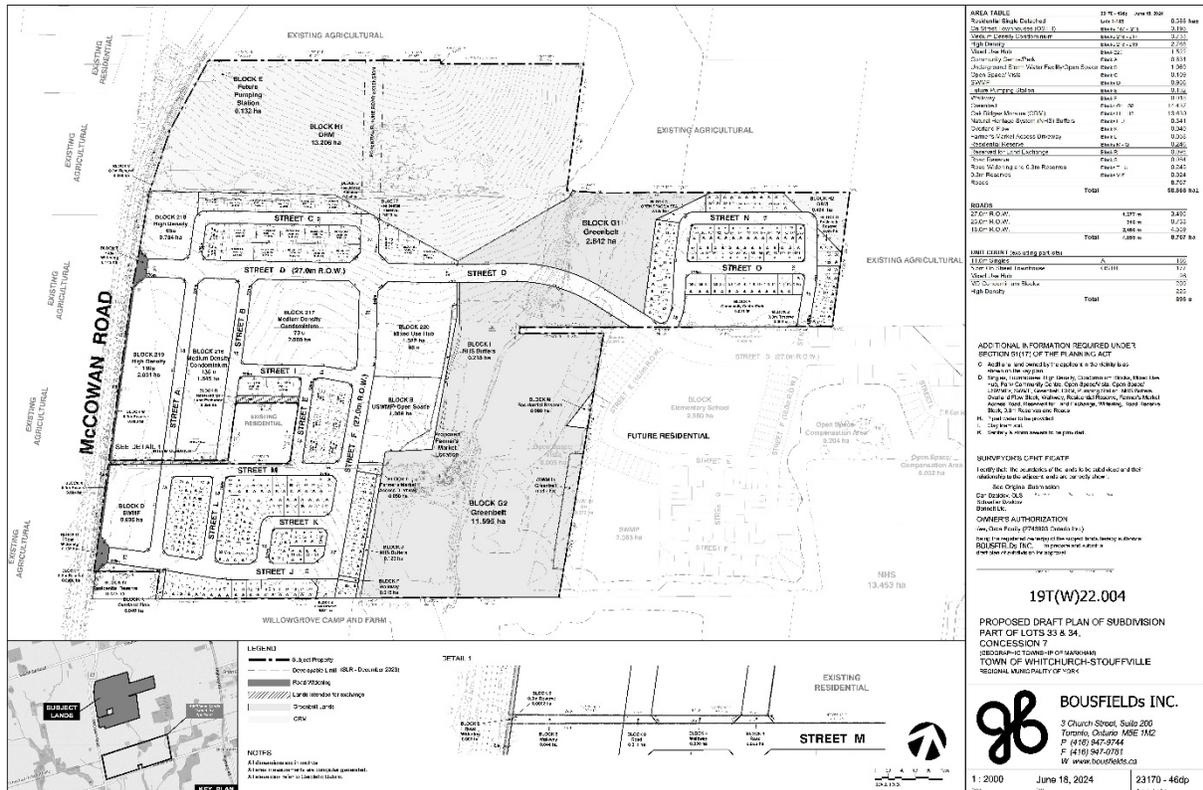
**4.1 Development Proposal**

The proposed mixed-use development consists of 107 single detached lots, 28 townhouse blocks (177 units), two medium-density blocks (209 units), two high-density blocks (225 units), a mixed-use hub (98 units) [for an overall total of 895 residential units], and a community centre block. The proposed plan of subdivision also includes blocks for a stormwater management facility/pond, open space/underground stormwater management facility, and roads. Additionally, the Applicant indicates that the architectural design, landscaping, and community elements of the proposed development will be “agriculturally inspired”.

Attachment 3 to this report is the proposed plan of subdivision.

A copy of the proposed plan of subdivision is shown on Figure 5.

Figure 5 – Proposed Draft Plan of Subdivision



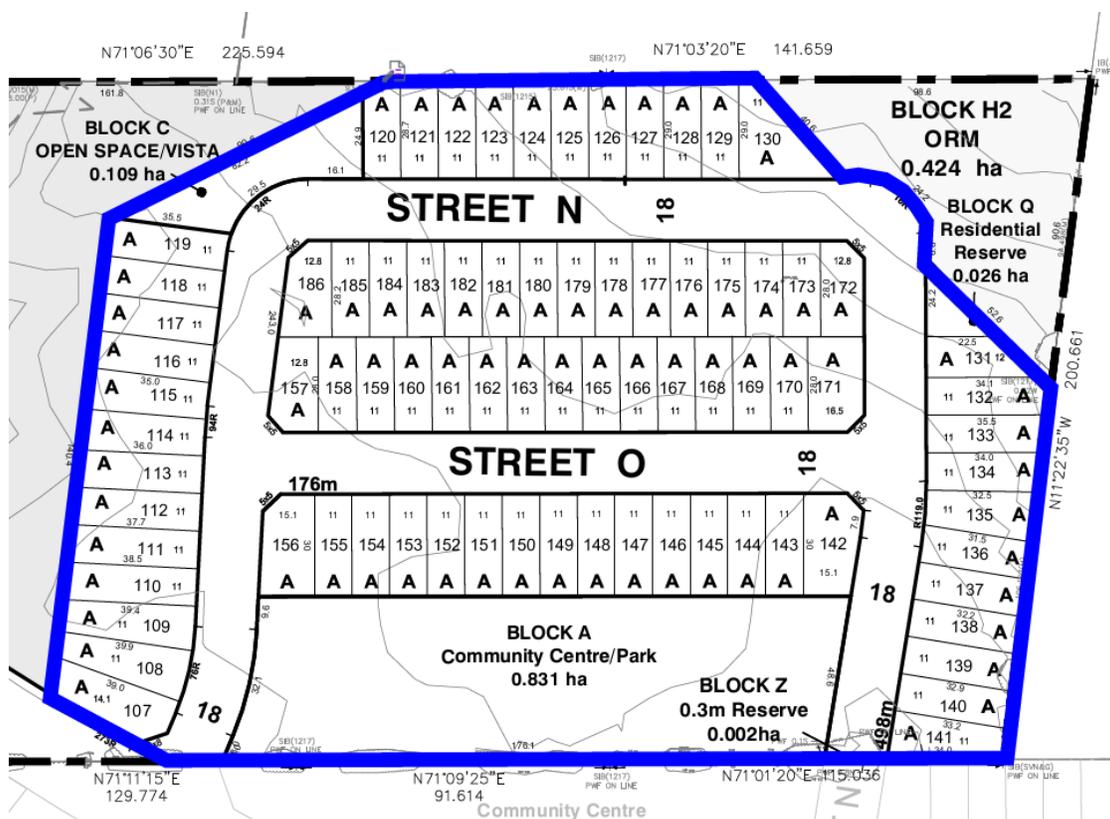
Proposed condition of draft plan approval 3.1 requires that the subdivision agreement(s) include provisions to require the owner to convey the following lands to the Town free of all costs and encumbrances:

- a) Underground Storm Water Facility/Open Space – Block B (size and configuration subject to change)
- b) Open Space Vista – Block C
- c) Storm Water Management Facility – Block D
- d) Public Parkland and/or Recreational/Community Centre Facilities (the “Park Block”) – Refer to discussion below and Draft Conditions 8.16 to 8.20 for block location(s), requirements for conveyance, etc.
- e) Walkway – Block F
- f) Greenbelt – Blocks G1 and G2

- g) Oak Ridges Moraine – Blocks H1 and H2 (The timing of conveyance would be contingent upon the confirmation of location and size of Community Centre/Park facilities within the lands subject to O. Reg 610/20 through Draft Plan Approval for those lands, and is to be determined by the Town in consultation with the Owner.
- h) Natural Heritage System Buffers – Blocks I and J
- i) Overland Flow – Block K

As discussed later in this report and as secured through the conditions of draft plan approval, the Town requires a community centre and park to serve the Highway 48 Block with a minimum size of 10 hectares. The owner has agreed to convey an area in the east part of the plan of subdivision, as shown in **Figure 6** below, bounded by the blue line. These lands consist of Streets 'N' and 'O', single detached lots 107 to 186, Block A (Community Centre/Park), and Block C (Open Space/Vista) collectively termed as "Park Block" for the purpose of reference.

**Figure 6 – Proposed 'Park Block' Lands**



The Park Block will provide approximately 4.97 hectares of land for the ultimate community centre block. The Town will work with the applicant and other landowners in the Highway 48 Block to assemble the necessary lands for one contiguous 10 hectare community centre block, as set out in Condition 8.18. Condition 8.19 requires that the owner convey these lands to the Town with the registration of the draft plan. It is also

recognized that, as a result of ongoing review of other possible lands in the Highway 48 Block, there could be a circumstance where all or part of the Park Block is not required to ensure the provision of a 10 hectare community centre block. If this is the case, the owner can proceed with the development in accordance with the draft approved plan and applicable zoning (refer to Draft Plan Condition 8.20).

## 4.2 Supporting Documents

Several plans and studies have been submitted in support of the application, including:

- Proposed Draft Plan of Subdivision
- Archaeological Assessment
- Hydrogeological Assessment
- Floodplain Assessment Brief
- Functional Servicing Report
- Preliminary Stormwater Management Report
- Functional Traffic Design – Internal Traffic Study
- Transportation Impact Study
- Environmental Impact Study
- Slopy Stability Assessment
- Geotechnical Report
- Urban Design Direction Brief

## 4.3 Urban Design Direction Brief

In support of the application, the applicant submitted an Urban Design Direction (UDD) Brief prepared by Bousfields Inc., dated May 2024 (a copy is provided in **Attachment 5** of this report). The purpose of the UDD Brief is “to provide Council, Town Staff, landowners, developers and the public with a clear urban design direction and guidance for new development within the Subject Lands”. The UDD Brief provides the following vision statement for development of the subject lands:

*“The Subject Lands are envisioned as a vibrant, mixed-use agricultural inspired district that will reflect the agricultural history of the Town and provide a sense of integration with the surrounding rural area. Agricultural-inspired design elements and architecture, links to the surrounding rural community and natural open space system and access to a Farmers Market will come together to offer a unique living opportunity that promotes design excellence. The area will provide opportunities for a variety of buildings and diverse uses that will combine both form, function and connectivity through an agricultural inspired lens, while providing access to, and preserving, the natural environment”.*

And the UDD brief sets out 8 design principles as follows:

1. Introduce building forms that are contextually appropriate, well-articulated and treated with high-quality building materials.

2. Utilize agricultural inspired architectural elements in the design of buildings, streetscape elements and community facilities.
3. Promote a mix of uses, such as residential, commercial, parks and urban agriculture.
4. Create an attractive and active street edge along existing and proposed streetscapes.
5. Establish a central community hub that incorporates a mix of uses, active and passive recreational areas and connectivity.
6. Provide a mix of build-form typologies that offer a diverse range of living opportunities.
7. Integrate an interconnected network of new parks and open spaces that tie into the broader system and surrounding agricultural uses.
8. Encourage and support a Farmers Market area that is central to the community.

The UDD brief provides a high-level conceptual demonstration plan (see **Figure 7** below) that shows:

- a central mixed-use hub block providing a mix of built forms including mixed-use/residential apartments, live/work units and on-street townhouses;
- commercial uses such as a restaurant, bakery or coffee shop; and,
- an existing farm house, shed and the immediate surrounding area are planned as a farmers market call mom for farmers from the community to sell crops and produce directly to the community

**Figure 7 – Proposed Demonstration Plan**



Figure 2 - Demonstration Plan (Conceptual and Subject to Future Changes)

Design directions are included in the UDD Brief with respect to the design of streetscapes, parks and open space, trails and connectivity, community nodes, signage and lighting, street furniture, and the private realm (single detached and townhouse dwellings including live/work townhouses, and mixed-use / residential apartments). The Brief also provides direction specifically related to the agricultural-inspired design vision for the community, such as:

- Given the agricultural focus within the community, one or more streetscapes may be planted with fruit bearing trees that can then be harvested by the community.
- Park elements should reflect the agricultural community theme incorporating playgrounds and water play with farm inspired equipment.

- A mural should be considered on the Farm House and/or Barn that is to be preserved.
- Street lighting design will maintain the character of the community and reflect an agricultural-inspired character.
- Hanging Baskets and banners may be considered on light poles near the Mixed-Use Hub to emphasize the importance of the farmer's market.
- The Mixed-Use Hub will be designed as a landmark area and will include a built form that incorporates architectural features and details that emphasize the uniqueness and importance of the area as an agriculturally inspired community.
- Architectural Design of Buildings shall be designed with high-quality materials and incorporate aspects of the Community of Stouffville that are agriculturally inspired.
- Agriculturally inspired design elements shall be incorporated into the design of all buildings within the community to maintain a continuous sense of place and identify.
- Agriculturally inspired community gateways that establish a sense of place, and may include design elements such as rolling stone fieldstone walls and pillars, community signage and rural style farm fencing that provide a land mark entrance to the community.
- Building elements, such as front doors and garage doors will be designed to include agriculturally inspired design elements, such as a traditional barn door design.

Staff will continue to work with the applicant through the detailed design stages, post Draft Approval and any necessary planning approvals required to refine and finalize the design details.

#### **4.4 Master Environmental Servicing Plan (MESP)**

On behalf of the landowners in the study area, C.F. Crozier and Associates Inc. is preparing a MESP to establish a comprehensive development strategy for the Highway 48 Block; the area bound by Stouffville Road to the north, 19th Avenue (in Markham) to the south, Highway 48 to the east, and McCowan Road to the west. On June 7, 2024, an updated MESP (third submission) was submitted to the Town. Along with the Town, other agencies and stakeholders (including the TRCA, York Region and the City of Markham) are reviewing the latest submission. Given the status of the MESP project, conditions of draft approval are recommended to require compliance with the MESP and that final approval is not granted until the MESP is finalized.

## 4.5 Applicable Policies

This section analyzes the conformity and consistency with the current and relevant policy environment and this analysis forms a part of the review of the planning application. The review will include Provincial Plans and policies, the York Region Official Plan, and the Town's current Official Plan and Zoning By-law.

### 4.5.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) was issued by the Province under Section 3 of the *Planning Act* and came into effect on May 1, 2020. The PPS provides policy direction on matters of Provincial Interest related to land use planning and development. The objective of the PPS is to contribute to a more effective and efficient land use planning system with the goal of improving the quality of life within Ontario by supporting the principles of strong communities, supporting economic growth, and fostering a healthy environment.

Section 1.1.1 of the PPS states, in part, that “healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs”.

Section 1.1.3.2 states, in part, that “land use patterns within settlement areas shall be based on:

- densities and a mix of land uses which: a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
- land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated”.

Section 1.1.3.3 states that “planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”.

Section 1.1.3.4 states that “appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety”.

Section 1.4.3 states, in part, that “planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating: 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety”.

Other relevant policies to be considered include: 1.5.1 with respect to planning for healthy, active communities; 1.6.3 to 1.6.6 with respect to utilizing existing infrastructure and public service facilities; 1.6.7.4 with respect to requiring land use patterns, densities and a mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

The proposed plan of subdivision is consistent with the Provincial Policy Statement and has been reviewed against the criteria in Section 51(24) of the Planning Act, with those criteria being satisfied.

#### **4.5.2 Oak Ridges Moraine Conservation Plan (2017)**

The Oak Ridges Moraine Plan (ORMCP) is an ecologically based Plan that provides land use and resource management direction for the 190,000 hectares of land and water that are located within the Moraine area.

Blocks H1 and H2 of the Subject Lands are located within the Oak Ridges Moraine – Countryside Area designation. The purpose of the Countryside Area designation to encourage agricultural and other rural uses, and to maintain, and where possible, improve or restore the ecological integrity of the plan area. Permitted uses in the Countryside Area are generally limited to agricultural-related uses, however, can include infrastructure uses such as public highways, water service systems, stormwater management systems, and their associated rights of way.

As per the proposed draft plan, no development is proposed within the ORM Blocks (H1 and H2), however, Block F has been reserved for a future pumping station, which conforms to the policies of the ORMCP.

#### **4.5.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

The Growth Plan requires the vast majority of growth to be directed to settlement areas. However, these lands are not located in a settlement area but are zoned for urban development as a result of the Minister’s Zoning Order.

The Growth Plan also requires municipalities to support the achievement of complete communities by considering a range and mix of housing options and densities, planning to diversify housing stock, and requiring new greenfield development that supports complete communities and active transportation.

The proposed plan of subdivision is in conformity with the Growth Plan.

#### **4.5.4 York Region Official Plan (2022)**

The York Region Official Plan 2022 (YROP) was approved with modifications by the Province on November 4, 2022 by the Province of Ontario’s Ministry of Municipal Affairs and Housing, replacing the 2010 Regional Official Plan. The YROP 2022 provides a long-term vision for York Region’s physical form and community structure and sets goals and objectives, describes a regional structure for accommodating growth.

The lands subject to the proposed plan of subdivision are designated “Urban Area” as per the YROP, with the exception of the central corridor that is designated “Regional Greenlands System”.

The proposed plan of subdivision is in conformity with the York Region Official Plan.

#### **4.5.5 Town of Whitchurch-Stouffville Official Plan (2023 Consolidation)**

The Subject Lands are designated “Agricultural Area” and “Significant Environmental Area” (Schedule B) and are identified in the Rouge River Watershed Area (Schedule A-1) according to the Town’s Official Plan. Additionally, the ORM Blocks H1 and H2 are designated Oak Ridges Moraine – Countryside Area (Schedule B).

#### **4.5.6 Town of Whitchurch-Stouffville Comprehensive Zoning By-law 2010-001-ZO**

The zoning of the subject lands is superseded by the Minister's Zoning Order, as described in Section 3.3.1 above.

#### **4.6 Public Agency Comments**

The following Town departments and external agencies have no comments or concerns, or have provided standard comments, regarding the Application:

- York Catholic District School Board
- Hydro One Networks Inc.
- Enbridge
- Cosburn Giberson Landscape Architects (reviewer on behalf of the Town)

#### **Town Policy Planning**

- As per the Council endorsed Commercial Policy Study (May 2022), the McCowan Corridor lands are intended to be planned as a significant Regional serving retail and service commercial node within the Town. The Town requires that a substantial retail component be accommodated along the McCowan Road frontage within the High Density Mixed Use blocks to serve the future commercial/retail needs of the community.
- Further information is required to confirm that the farmers' market as an on-farm diversified use is clearly secondary to the principal agricultural use of the retained agricultural portion of the subject property.

#### **Town Parks Development and Operations**

- The Community Centre Block A is far too small to serve as a public facility and does not meet the Town's goals as per the Leisure and Community Services Master Plan. In previous discussions a minimum of 10 ha is required by the Town.

#### **Town Heritage Planning**

- Archaeology: Staff is satisfied with the submitted Stage 3 Archaeological Assessment, but requires a condition of draft approval requiring submission of a Notice of Entry into the Ontario Public Register of Archaeological Reports for the Stage 3 Archaeological Assessment.
- Built Heritage and Cultural Heritage Landscapes: Staff is satisfied with the submitted technical memorandum regarding the farm complex and landscape features.
- Conditions of draft approval have been included to address these matters.

#### **R.J. Burnside and Associates Limited (reviewer on behalf of the Town)**

- Burnside has reviewed the latest, 3<sup>rd</sup> application submission and has provided technical comments, including the following:

- Additional modifications to certain reports are required, including the Environmental Noise Feasibility Study, Geotechnical Investigation, Hydrogeological Assessment, Environmental Impact Study, etc. Conditions of draft approval are proposed to require completion of these studies to the satisfaction of the Town, the TRCA and the Region, as required, prior to registration of the plan of subdivision.
- The design and approval of a downstream sanitary solution, water booster pumping station and looped water system with milestone dates established (linked to plan registration, building permits, etc.) is required. A condition of draft plan approval is recommended to address this requirement to the satisfaction of the Town, and the Region of York and City of Markham as required.
- Construction on development lands east of Block G1 (Greenbelt) cannot proceed until the sanitary and storm sewers and the stormwater management facility identified as SWMF #3 located on the MZO 2 lands [11776, 11822 and 11882 Highway 48, File:19T(W) 22.008] have been constructed. A condition of draft approval is recommended to ensure this requirement is included in the subdivision agreement.

### **York Region**

- The Region understands that the Owner/Applicant is seeking approval of this application, and staff recommends that comments from the Region and TRCA be addressed prior to draft plan approval. The Region advises that a decision on the proposed draft plan of subdivision await approval of the servicing strategy for the broader Highway 48 block that is to the satisfaction of York Region, Town and City of Markham, and that it aligns with the final Highway 48 Master Environmental Servicing Plan (MESP). The following requirements have been received to the satisfaction of the Region:
  - A revised draft plan of subdivision that addresses the Region's comments.
  - A revised FSR that properly reflects the final MESP, and that has been updated to the Region's satisfaction that addresses the Development Engineering comments
  - A Contaminant Management Plan (CMP) or letter in place of CMP.
- However, should Town Council choose to approve this application prior to the finalization of the MESP, the Region has provided comments, a schedule of pre-conditions and schedule of clauses/conditions.

### **Toronto and Region Conservation Authority (TRCA)**

- The TRCA has indicated that it continues to have several outstanding concerns that should be addressed prior to draft approval of the subdivision, including finalization of the MESP and addressing the following matters:

- Existing natural hazards and features need to be defined in accordance with the MESP.
  - In accordance with the approved MESP and TRCA's Living City Policies, limits of development must be established to demonstrate: required buffers to natural hazards and features; feasibility, design and impacts of crossings; compensation areas; an appropriate trail alignment; and land dedication requirements.
  - Demonstration that the functional feasibility of the proposed stormwater management for this site is in accordance with the approved MESP. Also, the site relies upon servicing provided by ORCA Markham lands during Regional events and as a result, development on the subject lands is to be prohibited until the necessary Regional stormwater management controls within ORCA Markham are fully operational.
  - Feature-based water balance criteria and a coordinated mitigation strategy must be established through the MESP
- Notwithstanding the comments above, the TRCA has provided conditions of draft approval that have been included in the recommended conditions of draft approval.

### **York Region District School Board**

- There is the need for at least one elementary school site to serve the Highway 48 community including the subject development lands. The Town will continue to consult with the subject and adjacent landowners in the Highway 48 Block to meet the school needs for the new community.

### **4.7 Public Comments**

There were limited comments from the public with respect to the application however, comments received included requests for significant plantings in any stormwater management ponds, buffering for any existing residential and maintenance of treed areas where possible, and the ability to service existing residential lots once municipal servicing is provided to the area.

The Willowgrove Farm lands (11737 and 11775 McCowan Road) are located immediately to the south of the subject lands. Willowgrove Farm has provided several comments in relation to the application and proposed development. The following Table 1 summarizes comments received and staff responses.

**Table 1**

<b>Willowgrove Farm Comment</b>	<b>Staff Response</b>
<ul style="list-style-type: none"> <li>Concerned with lack of comprehensive community planning to support new residential development.</li> <li>Request clarification regarding types of commercial uses within the high density mixed-use blocks fronting onto McCowan Road including the details of neighbourhood convenience and retail opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>At this stage, there has not been a final determination of commercial uses to be established along McCowan Road however, the CM2 Zone as amended by the Minister’s Zoning Order permits a range of non-residential uses including, but not limited to, business services, live work uses, commercial schools, convenience stores, day care centres, financial institutions, offices, personal service establishments, and retail stores.</li> </ul>
<ul style="list-style-type: none"> <li>Proposed draft plan does not include necessary facilities to support the residential community such as schools.</li> <li>Community support facilities such as schools, parkland and stormwater management, as well as necessary infrastructure such as water, sanitary and road connections shall not be assumed to be provided on the Willowgrove lands.</li> </ul>	<ul style="list-style-type: none"> <li>The Town is working with the School Boards on the appropriate location(s) of any required future school sites.</li> <li>Development of the subject lands will not be dependent upon the Willowgrove Farm lands for referenced facilities and infrastructure.</li> </ul>
<ul style="list-style-type: none"> <li>Provide details of locations for the facilities that are associated with the agriculturally-inspired community as identified in TORCA’s request for a MZO.</li> </ul>	<ul style="list-style-type: none"> <li>Refer to the Urban Design Direction Brief which provides a detailed overview of the vision and design for this agricultural inspired community.</li> </ul>
<ul style="list-style-type: none"> <li>Include mechanisms in the subdivision agreement to acknowledge and recognize the continued use of Willowgrove Farm such as the requirement of warning clauses registered on title for all development associated with the draft Subdivision Plan.</li> </ul>	<ul style="list-style-type: none"> <li>A draft condition has been included to require the inclusion of a warning clause in all Offers of Purchase and Sale of lots or blocks abutting or in close proximity to the Willowgrove Farm property, acknowledging the active agricultural uses which includes seasonal spraying of crops and spreading of manure.</li> </ul>
<ul style="list-style-type: none"> <li>An Environmental Noise Study should consider full range of activities on Willowgrove Farm.</li> </ul>	<ul style="list-style-type: none"> <li>Conditions of draft approval have been included to require the submission of noise studies and implementation of recommendations, prior to final approval of the plan.</li> </ul>

Willowgrove Farm Comment	Staff Response
<ul style="list-style-type: none"> <li>• A hydrogeological assessment should address maintenance of baseflows to Willowgrove Creek.</li> <li>• Technical reports regarding hydrogeology and groundwater should address impact and integrity of existing private wells on Willowgrove property.</li> </ul>	<ul style="list-style-type: none"> <li>• Conditions of draft approval have been included to account for any local wells that may be influenced by construction and institute monitoring programs or other measures if required. The required hydrogeological and water balance studies must also examine potential conflicts with groundwater, groundwater control, infiltration, etc.</li> </ul>
<ul style="list-style-type: none"> <li>• Appears that existing hedgerow along north lot line of Willowgrove Farm has not been identified in Environmental Impact Study and Town should ensure no damage to hedgerow.</li> </ul>	<ul style="list-style-type: none"> <li>• Conditions of draft approval have been included requiring the preparation of an arborist report and tree preservation plan. Any trees on the Willowgrove Farm property should be protected.</li> </ul>
<ul style="list-style-type: none"> <li>• Requests confirmation that no transition grading is required on Willowgrove property, and request grading transition block and/or landscape buffer along south property limit.</li> </ul>	<ul style="list-style-type: none"> <li>• Confirmation will be provided at the detailed design stage and prior to final approval of the plan.</li> </ul>
<ul style="list-style-type: none"> <li>• Alignment of Street F should be considered in terms of need and location relative to the timing of development of Willowgrove Farm. The alignment and timing of collector roads in the vicinity of Willowgrove should be determined through detailed infrastructure planning that ensures adjacent lands are not reliant on a transportation network within Willowgrove’s lands until such a time as Willowgrove proceeds with development.</li> </ul>	<ul style="list-style-type: none"> <li>• Detailed infrastructure planning is being undertaken as part of MESP project.</li> <li>• As noted in the submitted Transportation Impact Study, “Street F will connect at the southern boundary to the Willowgrove Lands, when they decide to develop in the future. As identified in the MESP, Street F will connect to Street A and continue south through the Upper Markham Village Phase 2 Markham Lands south to 19th Avenue”.</li> </ul>
<ul style="list-style-type: none"> <li>• As Willowgrove Farm continues to operate, we have concerns with respect to what measures will be undertaken to address noise, dust, and vibration during the construction phase to allow for Willowgrove Farm to continue our existing activities and services. We are also concerned about the dust and garbage flowing over onto our</li> </ul>	<ul style="list-style-type: none"> <li>• As noted above, conditions of draft approval have been included to require the submission of noise studies and implementation of recommendations, prior to final approval of the plan. Requirements to address matters such as noise, dust and vibration are reviewed at the detailed design stage and the Town’s subdivision and site plan agreements</li> </ul>

Willowgrove Farm Comment	Staff Response
property, trespassing, and the safety of children on our site.	include requirements to address such matters.
<ul style="list-style-type: none"> <li>The Owner should supply and install property line fencing along the perimeter of the southern limits of the Subdivision Plan to the satisfaction to the Town of Whitchurch-Stouffville and Willowgrove Farm.</li> </ul>	<ul style="list-style-type: none"> <li>This request will be reviewed at the detailed design stage however, a condition of draft approval has been included requiring that the owner make arrangements with the Town to provide fencing, at their cost, in accordance with the Town Fencing Policy and the approved Design, Standards and Guidelines document (as applicable).</li> </ul>
<ul style="list-style-type: none"> <li>Any lighting along the shared Willowgrove lot line should be facing downwards and away from the Willowgrove property.</li> </ul>	<ul style="list-style-type: none"> <li>This request will be reviewed at the detailed design stage and/or site plan approval as stage, as required.</li> </ul>

**4.8 Key Planning Issues**

**High Density Blocks 218 and 219**

As per the comments of Town Policy Planning staff, the McCowan Corridor lands are intended to be planned as a significant Regional serving retail and service commercial node in accordance with the Council endorsed Commercial Policy Study (May 2022). The draft plan shows proposed High Density Blocks 218 and 219, located along the McCowan Road frontage. A CM2 Zone as amended by the Minister’s Zoning Order permits a range of residential and non-residential uses on these lands however, does not require a mixing of uses.

The Town will be encouraging the developer to prioritize establishing non-residential and mix of uses along McCowan Road and in proximity to the farmers’ market. This could include approaches such as designing the sales office in a way that it can be converted to a retail store once the sales office is no longer required.

**Farmers Market and the Central Mixed Use Hub Block**

Farmers Market is at the heart of the development of the agriculturally inspired community. Staff will require a Site Plan Application be submitted by the Applicant for the development of the Farmers Market lands/complex that would comprise of the Urban Agriculture Area and the Central Mixed Use hub Block. Development of the Farmers Market and the associated Central Mixed Use hub Block will be required as a priority phase for the development of the proposed Subdivision.

Staff is also recommending that, as a condition of approval, the owner convey the farmers’ market lands (Block G2 – Greenbelt) to the Town and that the owner construct required structures to the satisfaction of the Town (Condition 8.22). Details respecting future operation of the market including but not limited to maintenance responsibilities, liabilities,

cost of operation, etc. still need to be worked out. Staff is recommending a condition of draft approval to require that these issues and any necessary agreements are in place prior to final approval and agreement (Condition 8.21). Timing and mechanism of the conveyance of the lands, will be discussed between the Town and the Owner.

Also, a condition has been included to require the owner to enter into the necessary agreements with the Town and any third party to operate a farmers' market and the associated farmed lands for a period of not less than 10 years from the date of 50 percent occupancy of the subdivision, at no cost to the Town (Condition 8.23).

### **Need for York Region District School Board elementary school site**

The Town will work with the School Board to determine a location for a school site in the Highway 48 Block area.

## **5. Options:**

### **Option A (Recommended)**

Staff recommends that Council approve the Application for a Draft Plan of Subdivision for the Subject Lands, subject to Conditions of Draft Approval. Any further outstanding technical matters can be addressed at the detailed design stage and through the Subdivision Agreement stages.

### **Option B**

That Council does not approve the Application for a Draft Plan of Subdivision for the Subject Lands. This option is not recommended as the proposed application represents good planning and conforms to provincial, regional, and municipal policies.

## **6. Financial Implications:**

None.

## **7. Alignment with Strategic Plan:**

1. A Town that Grows  
A Town that grows in support of complete communities
2. A Healthy and Greener Town  
Increase Offerings and Opportunities for Active Living

## **8. Attachments:**

1. Location Map
2. Minister's Zoning Order O. Reg 770/21
3. Proposed Draft Plan dated June 18, 2024

4. Conditions of Draft Plan Approval dated June 26, 2024 (to be provided under separate cover)
5. Urban Design Direction (UDD) Brief dated May 2024

## **9. Related Reports:**

[September 7, 2021– DS-038-21 ORCA Equity's Request for a Minister's Zoning Order for 11861 and 12045 McCowan Road](#)

**Authors:** Mark Stone, Senior Planner  
Hena Kabir, Manager of Development Planning

**For further information on this report, please contact the Commission Head:**  
Dwayne Tapp, Commissioner of Development Services at 905-640-1910 or 1-855-642-2431 ext. 2431 or via email at [dwayne.tapp@townofws.ca](mailto:dwayne.tapp@townofws.ca)